IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6634 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

NANABHAI NATHABHAI

Appearance:

Mr. IM Pandya,AGP with MR SP HASURKAR for Petitioners

MR PM BHATT for Respondent No. 1

Shri Pujari, A. GOVERNMENT PLEADER for Respondent No. 2

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 21/09/2000

ORAL JUDGEMENT

Learned AGP Mr.Pandya has appeared for the petitioner with Mr. Hasurkar, Addl. GP for the State of Gujarat. Learned advocate Mr. Bhatt has appeared for the

respondent No.1. In this petition, the petitioner is challenging the order dated 5th July, 1986 passed by the competent authority as well as the judgment dated 20th August, 1992 passed by the Urban Land Tribunal in appeal no. 96 of 1986.

In this petition, rule has been issued by this Court on 25th September, 1997. No interim relief has been granted by this court at the time of issuing rule. In this petition, affidavit in reply has been filed by one Chhagan Haribhai, power of attorney holder of Nanabhai Nathabhai, respondent No. 1 on 11th October, 1997.

Today, when the matter has been taken up for final hearing, learned AGP Mr. Pandya has produced copy of the letter dated 6th July, 2000 which is ordered to be taken on record of this petition. Said letter has been issued by the competent authority, Baroda wherein it is mentioned that the competent authority has passed an order under section 8(4) of the Urban Land (Ceiling and Regulation) Act, 1976 on 5th July,1986 and the notification under sec. 10(3) of the Act was issued on 28th December, 1992 by the competent authority. However, it is made clear in the said letter that no further proceedings has been initiated by the authority after issuance of the notification under section 10(3) of the Act. It is also made clear that the possession of the excess land has not been taken over by the State Government and, therefore, request is made to pass appropriate orders in pursuance to the Repeal Act, 1999.

Therefore, considering the averments made in the said letter dated 6th July, 2000 issued by the competent authority, Baroda, it is clear that the possession of the excess land has not been taken over by the State Government.

The Urban Land (Ceiling and Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling and Regulation) Repeal Act, 1999 as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30.3.1999 passed under Art. 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned herein do not survive and all the proceedings under the Urban Land (Ceiling and Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

Therefore, this petition is disposed of as having abated. Rule is discharged. There shall be no order as to costs.

21.9.2000. (H.K. Rathod,J.)

Vyas